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INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Anton J. Hopen
Attn:	Brian A. Whiteman - Art Unit 1635	Client:	1372.48.PRC
Fax:	(703) 872-9306	Pages:	4 including coversheet
Phone:	(571) 272-0764	Date:	June 7, 2004
Re:	USPN 10/064,512	CC:	University of South Florida (Assignee)

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Examiner Whiteman:

In response to the non-final office action mailed on May 6, 2004, we enclose the following:

- 1) Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated June 7, 2004 (1 page); and
- 2) Response to Election/Restriction Requirement with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated June 7, 2004 (2 pages).

Very respectfully,

Anton J. Hopen  
Reg. No. 41,849

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Practitioner's Docket No.: 1372.48.PRC

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

In re Application of: Loree Heller et al.

Serial No.: 10/064,512

Filed: 07/23/2002

For: Method of Enhancing Therapeutic  
Effect of Nucleic Acids

Art Unit: 1635

Examiner: Brian A. Whiteman

Confirmation No.: 6625

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Faxed to Technology Center 1600 at (703) 872-9306  
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## AMENDMENT TRANSMITTAL

1. Transmitted herewith is a Response to Election/Restriction Requirement for this application.

## STATUS

2. Applicant is an independent inventor. A statement was already filed.

## EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

  
SIGNATURE OF PRACTITIONERAnton J. Hopen  
Smith & Hopen, P.A.  
15950 Bay Vista Drive, Ste. 220  
Clearwater, FL 33760  
(727) 507-8558Reg. No.: 41,849  
Customer No.: 21,901CERTIFICATE OF FACSIMILE TRANSMISSION  
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1635, Attn: Brian A. Whiteman, (703) 872-9306 on June 7, 2004.

Dated: June 7, 2004

  
Deborah Preza

(Amendment Transmittal—page 1)

JUN 07 2004

Practitioner's Docket No.: 1372.48.PRC

PATENTS

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Art Unit: 1635

Examiner: Brian A. Whiteman

Confirmation No.: 6625

Faxed to Technology Center 1600 at (703) 872-9306  
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant responds to the nonfinal Examiner's action mailed May 6, 2004, having a shortened statutory period for response set to expire June 7, 2004 as follows:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Applicant elects to prosecute claims 2, 7 and 8, drawn to a method of eliciting an anti-tumor effect in a subject comprising delivering at least one nucleic acid to a tumor of the subject and applying an energy source to at least one nucleic acid, wherein the energy source comprises electrical output, classified in class 424, subclass 93.2.

REMARKS

If an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

Very respectfully,  
SMITH & HOPEN

By: 

Anton J. Hopen  
Suite 220  
15950 Bay Vista Drive  
Clearwater, FL 33760  
(727) 507-8558  
Attorneys for Applicant

Dated: June 7, 2004

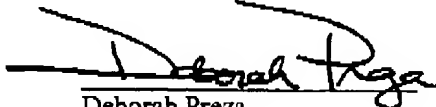
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CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Response to Election/Restriction Requirement is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1635, Attn: Brian A. Whiteman, (703) 872-9306 on June 7, 2004.

Dated: June 7, 2004

  
Deborah Preza